

January 24, 2005

Wesley Mitchell, Project Manager
State Highway Administration
Office of Planning and Preliminary Engineering
Mail Stop C-301
Box 717
Baltimore, MD 21203-0717

Dear Mr. Mitchell:

I am writing to supplement my January 8 public hearing testimony on the Draft Environmental Impact Statement (DEIS) for the InterCounty Connector (ICC). I continue to believe that the ICC cannot be built because of the considerable, irreversible environmental damage it would cause. In addition the information presented in the DEIS also raises concerns about the costs and relative long-term impacts on Montgomery County's traffic problems. And I am very concerned that the public is not being given enough time to comment on this major transportation project.

While your summary document may be helpful to some, I believe that many have been excluded from the review and comment process because they have insufficient time and ability to review the full DEIS. Hard copies are scarce, and downloading all 1,495 pages from the Internet is not something that the average computer owner can do. And even if one is fortunate enough to have the whole DEIS on hand for review, the text is so complex and disjointed that no one could make sense of it and deliver meaningful comments within the short time provided. In fact, the Montgomery County Planning Department staff commented that information is presented in such a fragmented fashion that readers trying to compare environmental impacts of the various alternatives must themselves excerpt information from several different tables found on separate pages and reconstruct the tables so that one can compare vital information. Therefore, I request that additional public hearings be held in February and that the comment period be extended to at least March 1, 2005.

I would like to comment on several other major aspects of the DEIS:

The Concept:

- The public has been told that the ICC is one of the lynchpins in Montgomery County's efforts to solve traffic congestion. In fact, the ICC has been sold as the road that will "end gridlock." As I looked through the DEIS, I found little to

indicate that the ICC would ease Beltway traffic congestion or have long-term benefits for neighborhood roads.

- In fact, the ICC will result in an overall increase in vehicle miles of travel and is expected to *increase* traffic congestion at a number of key interchanges, most notably at I-270, Route 97, and Route 29 (see IV-316). While it can be argued that increases at these intersections result from pulling traffic off of local roads (a good thing), I believe that any relief on local roads will not last long, based on the following information.
- The DEIS outlines what it calls “Secondary and Cumulative Effects” of the build options (S-36-37). This refers to *induced growth impacts* likely to result from the ICC. According to a study conducted by the Expert Land Use Panel (ELUP), additional development pressure is expected on land along an ICC route, either from rezoning or from redevelopment. The study estimates that approximately 2,600 acres of land in the study area could “potentially support residential or commercial development beyond what is currently planned,” even if the ICC is not built. If Corridor 1 is built, the report anticipates that another 5,000 acres of land would come into play, while more than 5,500 acres of land would come under such pressures if Corridor 2 is selected. I have been told that these projections are not included in travel forecasts. So it seems reasonable to conclude that any reduction in traffic levels on local roads could be offset by increased development. To those who say we will hold the line on future growth or that the predictions only reflect accelerated timing of already planned growth, I say this expectation is unrealistic given recent history and the likely pressures for development to come.
- Based on these facts, it is very unlikely that the ICC could accomplish what is expected of it – a reduction in traffic congestion. In fact, we will end up with a road that has used up a tremendous amount of financial resources at great cost to the environment, only to have it and other County roads negatively impacted by traffic from new development.

Corridor 1:

- There are some who would argue that because Corridor 1 has been on the map since the 1960s, we need not spend too much time studying it before the bulldozers start clearing a path. I strongly disagree. Fifty years ago when a version of this project was first conceived, little thought was given to the Chesapeake Bay, the Anacostia Watershed, and the fact that major watersheds in Montgomery County run north/south and lie in the path of the road. Since that time more stringent environmental laws have been enacted. Less than a decade ago the Federal permitting agencies recognized the significant environmental impacts of Corridor 1 and refused to approve its construction.
- Corridor 1 cuts through four significant biodiversity areas, two in the Rock Creek watershed, one in the Northwest Branch watershed, and one in the Upper Paint

- Branch watershed. Two of these areas – North Branch and Upper Paint Branch Stream Valley Park – have also been designated as “Best Natural Areas” in Montgomery County (Vol. II, Figure II-20). And two of those areas – the Upper Rock Creek North Branch and the Upper Paint Branch – also have been designated as Special Protection Areas by Montgomery County, with caps on imperviousness. Although I appreciate your efforts to pay special attention to environmental concerns by reducing road section widths and using enhanced stormwater management, best management practices, and context sensitive design in these watersheds, there is scientific evidence to indicate that such efforts can only marginally reduce the damage that is done. I believe that there are dire consequences for both the Upper Rock Creek and the Upper Paint Branch watersheds if the ICC is constructed, and particularly for the Upper Paint Branch, which has already experienced a significant decline in water quality as a result of development. The DEIS itself states that further disturbance in the Upper Paint Branch could have potentially harmful effects and limit long-term recovery of the resource (II-74).
- The proposed environmental mitigation measures are not adequate given the high-quality, highly-valued natural resources involved. These impacts are associated with loss or degradation of forests, steep slopes, stream corridors, biodiversity areas, best natural areas and special protection areas. This is especially true if we are serious about protecting the Paint Branch. State Highway Administration (SHA) must identify additional land for outright purchase and preservation to offset the huge amounts of impervious surfaces associated with the ICC. If you really want to reflect the true costs of this project, and if you are really serious about mitigation, then get out that checkbook and start buying land! If the Paint Branch is damaged, the mitigation measures may not be adequate to restore the resource.

Corridor 2:

- The proposed alternatives for Corridor 2 fly in the face of every land use planning concept ever adopted in Montgomery County. We need to get it off the table now – it was never intended as an alternative for the ICC. All of the Corridor 2 options slice through Montgomery County’s low-density wedge, disrupting and in some cases cutting neighborhoods in two, and taking the homes and businesses of residents who relied on master plan promises that the ICC would be elsewhere.
- Some of the Corridor 2 options would endanger the Patuxent Watershed, yet another key environmental resource and one tied closely to the water supply for millions of people. According to the Washington Suburban Sanitary Commission (WSSC) water traveling over and into undisturbed ground on the way to the Patuxent River dissolves harmful wastes and residues. The substantial addition of impervious surfaces resulting from building the ICC will direct such wastes straight to the Patuxent River and its reservoirs which supply drinking water for

many of WSSC's 420,000 customers. Using "rustic finishes," while visibly appealing, will do nothing to reduce imperviousness.

- Several Corridor 2 options cross right through the headwaters of the Upper Paint Branch Left Fork and Right Fork subwatersheds. This would have a devastating effect on the underground system of springs, seeps, and recharge areas that provide cold, clean water to the rest of the Upper Paint Branch stream system. I have been advised that SHA has moved the lines of disturbance in some of these areas, but so slightly that properties previously shown to be taken in an alternative are now within a few feet of the proposed road. Furthermore, I am concerned that proposals to lower the road profile in some areas of the Upper Paint Branch in an effort to reduce impacts on communities and historical resources will wreak more environmental damage on the water table. And I hardly think that "hiding" a six-lane multimodal highway 25 feet down will eliminate the impact on the historic Free Methodist retreat and campground perched at the top of the proposed 25-foot retaining wall.
- People living along a large part of Corridor 2 would lose a significant transportation route if the ICC uses the Norbeck Road Connector (MD28/198) alignment. This major through road would simply cease to exist, forcing additional traffic onto local roads and intersections. In fact, page IV-317 of the DEIS states that building the ICC on Corridor 2 has a "distinct impact on the local network," and would "essentially remove the additional capacity" of the Norbeck connector. Corridor 2 divides communities that were never intended to be divided, it reduces the ability of local roads to link communities, and it significantly disrupts the local traffic pattern.

Issues Common to Both Alignments:

- The minimization efforts described in the DEIS reflect levels that are acceptable to federal review agencies. However, I concur with the Montgomery County Planning Department that further avoidance and minimization efforts can and should be pursued during detailed design, if a build alternative is accepted. Specifically, you need to look at ways to reduce the footprint impacts to natural resources, particularly in known, high-quality and highly valued natural resource areas in *existing* or *proposed* parkland; improve additional stream crossings; and ratchet up your commitment to provide stormwater management controls that reduce pollutant discharge and minimize damage to receiving streams.
- I believe that a significant environmental impact of the ICC has been ignored by the DEIS. There are documented studies on the effects of noise on wildlife, indicating a marked decrease in the density and diversity of wildlife extending a half mile inward from the edges of the roadway. Because there are no federal noise standards for non-human receptors, SHA is not proposing any noise mitigation on park property for wildlife purposes.

- No matter which alignment is accepted, many of us are concerned about the Upper Paint Branch watershed and its ability to survive the damage that will surely come from construction of the ICC. Although the DEIS states that stringent stormwater management controls are proposed for the Paint Branch watershed (costing about four times more than traditional structures), it also includes the more traditional and less effective controls as “optional.” This is not acceptable. The final Environmental Impact Statement should state unequivocally that the more stringent controls will be used. Numerous protective measures have been adopted over the last ten years to protect the Upper Paint Branch, each one with the aim of truly protecting the resource. The SHA and federal agencies need to step up to the plate and do the same.
- SHA has devoted a lot of ink to its so-called environmental stewardship package. However, it is actually just one in a long list of projects that will receive some of the \$216 million to \$219 million set aside for “other costs” including toll facilities, maintenance facilities, transit capital cost, intelligent transportation system, design build stipends, incentives, weigh-in-motion technology and hazardous materials mitigation. SHA needs to indicate how much of the \$216 million to \$219 million will be put toward “environmental stewardship,” and we need a list of what projects will “make the cut” and what the true cost is. Only then can we provide meaningful comment.

The Bikeway

- I agree with the Montgomery County Executive that building the ICC without a bikeway is shortsighted. If your goal is truly traffic relief, why would you eliminate such an important alternative? As Mr. Duncan noted, the proposed costs for the bikeway can be significantly reduced by integrating the ICC bike path into existing bikeways within our park system.
- At the same time, I recognize that including a bikeway will increase the footprint of the road and increase the amount of impervious surface. However, I think it is incumbent upon the SHA to include the path in the project plans and provide *additional* appropriate mitigation measures to offset these adverse effects. This will not only add a much desired enhancement to the project, but it will provide a more accurate picture of its true costs. Again, I urge SHA to purchase additional land for this purpose.

Tolls and Funding:

- The mounting cost of the ICC continues to wave a red flag in our faces. The current cost estimate is \$2.4 billion not including financing costs. And, as I understand it, the proposed GARVEE funding amount will have to be scaled back unless the General Assembly lifts the cap they imposed last year.
- The enormous cost of the ICC will place more pressure on the Transportation Trust Fund and Transportation Revenue Bonds and reduce funding for important

transportation projects such as the Purple Line and the Corridor Cities Transitway in Montgomery County, or important transportation projects in Baltimore City and other counties.

- Furthermore, the tolls on this road are expected to be variable. When the road is congested the toll may be as much as 17 cents per mile. Those who can't afford this cost will be back on local roads which will become even more congested.

Some folks may consider it disingenuous for me to request an increase in the cost of the ICC with additional obligations and then question the cost effectiveness of this road. It is my view that if this project is to be built it must include every environmental preservation and mitigation measure needed. It must include a hiker biker trail. It must be done right and the public needs to know the true costs of doing it right!

In closing, I would like to reiterate my earlier comments regarding the public's opportunity and right to be heard. Because the ICC is such a huge, expensive project the "fast track" process makes it difficult for many people to digest the information and issues raised in the DEIS. Artificial timelines are not more important than the goal of allowing affected communities adequate time to comment in a fair and open manner. Thank you for considering my comments.

Sincerely,

Marilyn J. Praisner
Montgomery County Councilmember